

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 815, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF VINEGAR.

On or about August 27, 1910, the Harbauer-Marleau Company, a corporation, Toledo, Ohio, shipped from the State of Ohio into the State of Missouri two consignments, of 25 barrels each, of alleged apple cider vinegar. Twenty-five of said barrels were labeled: "Just Right Brand Fermented Apple Cider Vinegar. Made for Kroeger, Amos, James Grocer Co., St. Louis, Mo. (Guarantee Legend) Serial No. 8904.", and 25 barrels were labeled: "Sweet Home Brand Fermented Apple Cider Vinegar. Made for Goddard grocer Co., St. Louis, Mo. (Guarantee Legend) Serial No. 8904." Analysis of samples from each consignment, made in the Bureau of Chemistry, United States Department of Agriculture, showed it to consist of a diluted vinegar mixed with a foreign product high in reducing sugar and containing added ash material, and thus to be adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906. As it appeared from the findings of the analyst and report made that the shipments were liable to seizure under section 10 of the act, the Secretary of Agriculture reported the facts to the United States attorney for the Western District of Missouri.

On September 12, 1910, two libels were filed in the District Court of the United States for said district, one against each of said consignments of the product, charging the shipments of the same and alleging the vinegar to be adulterated in that it had been diluted and mixed with a foreign product high in reducing sugars; in that it also contained added ash material; in that in the manufacture of said product foreign products high in reducing sugars and ash products had been substituted in part for the article described in said

label as and for which said product was offered for sale and intended to be sold; and in that the product had been mixed with a foreign substance high in reducing sugar with added ash material so as to reduce, lower, and injuriously affect its quality and strength, and alleging said vinegar to be misbranded in that said barrels did not contain fermented apple cider vinegar, but contained a compound consisting in part of a foreign substance high in reducing sugars and added ash materials; and that said barrels were so labeled as to deceive and mislead purchasers into the belief that the said barrels contained apple cider vinegar, when, in truth and in fact, said barrels did not contain fermented apple cider vinegar; and praying seizure, condemnation, and forfeiture of the product.

The causes coming on for hearing on the above libels, the court, being fully informed in the premises, issued its decrees, condemning the product, forfeiting the same to the use of the United States and ordering it to be relabeled "Imitation Cider Vinegar," and sold by the marshal of said district. On December 9, 1910, 33 barrels of the above-mentioned product, which were all that the marshal had been able to seize by virtue of the monitions issued in these proceedings, were sold for \$39.40, and the proceeds paid into court.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., *March 17, 1911.*